

APPLICANT: SILBERSTEIN, Assaf  
SERIAL NO.: 10/628,833  
FILED: July 28, 2003  
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## REMARKS

Applicant respectfully requests reconsideration of the above-identified application in view of the foregoing amendments and following remarks.

### Status of Claims

Claims 17-46 are pending. Claims 17, 22, 27, 32, 37 and 42 have been amended. No new matter has been added.

## CLAIM REJECTIONS

### 35 U.S.C. § 101 Rejection

The Examiner rejected claims 17-21, 27-31, and 37-41 under 35 U.S.C. § 101, asserting that the claims overlap both a product and a process. Manual of Patent Examination and Procedure ("MPEP") § 2175.05(p), to which the Examiner refers, prohibits "a single claim which claims both an apparatus and the method and steps of using the apparatus". Applicant asserts that claims 17-21, 27-31, and 37-41 do not claim an apparatus, but rather methods. The methods are properly limited by the locations at which the method is performed. For example, in claim 17 (emphasis added):

*at an automated receptionist, accepting identification information ....  
[and]  
at an announcer server: automatically calling a customer ...*

No device structure is included in the claims. Applicant respectfully submits that claims 17-21, 27-31, and 37-41 do not claim an apparatus, or device structure, and thus comply with 35 USC § 101. Applicant requests that this rejection be withdrawn.

### 35 U.S.C. § 103 Rejections

The Examiner rejected claims 17-20, 27-29, 31, 37-39, and 41 under 35 U.S.C. § 103(a), as being unpatentable over Wayne et al. (US 5,006,973, "Wayne") in view of Watson et al. (US 2006/0287923, "Watson"). The Examiner rejected claims 21, 30 and 40 under 35 U.S.C. § 103(a), as being unpatentable over Wayne in view of Watson and Khuk (US 6,819,759). The Examiner rejected claims 22-25, 32-34, 36, 42-44 and 46 under 35 U.S.C. §

103(a), as being unpatentable over Wayne in view of Bae (US 6,801,619) and Watson. The Examiner rejected claims 26, 35 and 45 under 35 U.S.C. § 103(a), as being unpatentable over Wayne in view of Bae, Watson and Khuk. Applicant traverses the rejections of claims 17-46 under 35 U.S.C. § 103(a).

Claim 17 includes, *inter alia*: “at a central server for the enterprise ... if, based on customer identification information, a database indicates a customer owes money to the enterprise, directing the customer to a specific queue.” Claim 22 includes, *inter alia*, “if, based on customer identification information, a database indicates a customer owes money to the enterprise, direct the customer to a specific queue.”

On page 4 of the Office Action, the Examiner cites to Wayne, col. 2, lines 29-42 for this feature. This teaches assigning customers to queues based on service type. Assigning customers to queues based on service type does not teach or suggest “if, based on customer identification information, a database indicates a customer owes money to the enterprise, directing the customer to a specific queue.” Wayne does not describe customer billing, or keeping track of customer debts.

On page 5 of the Office Action, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to have a customer owing money to be placed in a specific queue. However, claim 17 does not merely claim merely directing a customer to a certain queue, but rather “*at a central server for the enterprise ... if, based on customer identification information, a database indicates a customer owes money to the enterprise, directing the customer to a specific queue*” (emphasis added). This automated redirection does not exist in the prior art, and is not obvious. Further, this is performed based on identification information gathered by an automated receptionist.

Claim 17 also includes, *inter alia*: “providing customer wait information to a plurality of customers for each of a plurality of queues, the wait information comprising a list of waiting customers.” Each of independent claims 22, 27, 32, 37 and 42 includes, for the purposes of these arguments, similar limitations.

Wayne calls each customer using an individual pager, each providing information to a customer individually. (col. 4, lines 50-64). Wayne does not provide, using one device, wait information to a plurality of customers, and Wayne does not provide information including a

list of waiting customers. Using such information a customer may, for example, decide to leave a queue, and give up waiting.

Independent claim 22 includes, for the purpose of the above arguments, limitations similar to those of claim 17, and is therefore likewise allowable of the prior art rejections of record.

Claim 27 includes, *inter alia*, “marking a customer as abandoned, and placing via the agent workstation a customer marked abandoned in a queue to wait to meet with an agent.” The Examiner does not assert that Wayne includes this limitation, and Wayne does not include this feature. Wayne does not discuss marking customers as abandoned.

Independent claim 32 includes, for the purpose of the above arguments, limitations similar to those of claim 27, and is therefore likewise allowable of the prior art rejections of record.

Claim 37 includes, *inter alia*, “transferring a customer into a queue and placing the customer on hold, the customer to be called back at a later time.” The Examiner does not assert that Wayne includes this limitation, and Wayne does not include this feature. Wayne does not discuss placing transferring customers to hold and calling the customers back at a later time.

Independent claim 42 includes, for the purpose of the above arguments, limitations similar to those of claim 37, and is therefore likewise allowable of the prior art rejections of record.

Each of claims 18-21, 23-26, 28-31, 33-36, 38-41, and 43-46 depends from one of independent claims 17, 22, 27, 32, 37, and 42, includes at least the limitations of one of these claims, and is therefore likewise allowable.

Applicant requests that the Examiner withdraw the rejections under 35 U.S.C. § 103(a).

### **Conclusion**

In view of the foregoing amendment and remarks, and for at least the reasons discussed above, Applicant respectfully submits that the claims are allowable. Their favorable reconsideration and allowance are respectfully requested.

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Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due associated with this paper; however, if any fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,

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